



Town of Merrimack, New Hampshire

Community Development Department

6 Baboosic Lake Road

Town Hall - Lower level - East Wing

Planning - Zoning - Economic Development - Conservation

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MEMORANDUM

Date: April 15, 2015
To: Robert Best, Chairman, & Members, Planning Board
From: Donna Pohli, Assistant Planner
Subject: **Keach-Nordstrom Associates, Inc. (applicant) and Valleyview Revocable Trust, Carol Maggio, Trustee (owner)** – Discussion and possible action regarding a request for a reinstatement of conditional final approval and a six month extension for compliance with conditions of an approval granted by the Planning Board on July 23, 2013 and July 8, 2014 to subdivide one lot into two single-family residential lots located at 15 Valleyview Drive in the R (Residential) District. Tax Map 5C, Lot 142.

Background/History: At the July 23, 2013, Planning Board meeting, the applicant was granted conditional final approval for an application proposing to subdivide one lot into two single-family residential lots located at 15 Valleyview Drive in the R (Residential) District. The applicant then appeared before the Board again on July 8, 2014, requesting reinstatement and extension to meet precedent conditions of approval for a 2-lot subdivision originally approved July 23, 2013. The Board granted the reinstatement and extension request with one of the conditions of approval being that the applicants have a compliance hearing by September 30, 2014, which the applicant did. At that compliance hearing, the Board required that the applicant finish the emergency access way, and bring all the neighbors' properties back to order by November 7th, 2014 (please see attached material to supplement the history briefly explained above). The applicant has submitted the final plans to be signed by the Board, but staff will not ask the Board to sign the plans until all conditions have been met. The applicant was scheduled to appear before the Board on January 6th and then March 3rd, but the developer was out of state and requested continuances. The applicant is now before you again requesting reinstatement of conditional approval and a six month extension for compliance with conditions of an approval granted on July 23, 2013. As of April 14, 2015, the water main has been installed and the neighbor's retaining wall has mostly been restored, but the applicant neither has finished the emergency access way nor finished restoring the street and other properties. Public Works would like to remind the Board that the performance bond for the Valleyview Administrative Approval, which was the origin of the required emergency access way is coming due in May. The Board may wish to have that be a topic of discussion.

Staff recommends that the Board determine an appropriate course of action and if the Board wishes to grant the extension, Staff suggests that if the Board places additional conditions on the approval that they be enforceable (in addition to the previous recommended conditions from the July 23, 2013, July 8, 2014, and September 23, 2014 meetings).

Cc: File
Correspondence

Ec: Valleyview Revocable Trust, c/o Carol Maggio, Trustee
Michael Maggio, FHB Consulting
Keach-Nordstrom Associates, Inc.
Kyle Fox, Deputy Director of Public Works/Town Engineer
Captain John Manuele, Fire Department
Carol Miner and Fred Kelley, Building Department
Ron Miner, Superintendent, Merrimack Village District